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09/311,128	05/13/1999	JOOST KEMINK	PHA-23.501	9837

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

SHRADER, LAWRENCE J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/311,128

Applicant(s)

KEMINK, JOOST

Examiner

Lawrence Shrader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 2, 8-10 and 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This action is in response to the amendment filed on December 8, 2003.
2. Claims 1, 3 – 7, 11 and 12 remain rejected; and claims 2, 8 – 10, and 13 – 17 are cancelled.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Croÿ et al., U.S. Patent 6,476,825.

#### **In regard to claim 11:**

*“a programmable user interface,”* Croÿ discloses programmable user interface (column 5, lines 1 – 20)

*“a receiver that receives user interface code from an Internet site wherein the user interface code is received in dependence upon at least one of: a location parameter, a time parameter, and a user profile,”* Croÿ discloses that programming is carried out by connecting to a remote source (e.g., the Internet) with dependence on a user profile (column 28, lines 3 – 20).

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*“wherein a programming of the programmable user interface is facilitated by the user interface code.”* The user selects services to be downloaded via a user interface (column 27, line 53 to column 28, line 20).

**In regard to claim 12, incorporating the rejection of claim 11:**

*“...further includes an Internet access device.”* Croÿ discloses access to a remote source, which can include the Internet (e.g., see Figure 1; and column 3, lines 37 – 42).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Ee et al., U.S. Patent 6,208,341 (hereinafter referred to as van Ee) in view of Goldstein, U.S. Patent 5,410,326.

van Ee discloses a control device with a graphics user interface:

**In regard to claim 1:**

*“enabling a determination of at least one appliance...”* van Ee discloses various appliances controllable by the device (column 2, lines 55 – 63; e.g., Figure 3).

*“determining code for graphically representing a controllable feature...”* The proper codes are determined to control the desired device as depicted on the GUI (column 2, lines 21 – 25; 61 – 67; e.g., Figure 3).

*“communicating the code to the control device...”* The proper codes are sent to control the desired device (column 2, lines 21 – 25; 61 – 67).

*“...accessing an Internet site in dependence upon the determination of the at least one appliance.”* van Ee discloses a control device that comprises a graphics user interface, but does not disclose accessing the Internet in determination of at least one device. However, Goldstein discloses a control device that comprises a graphical user interface that accesses the Internet (a remotely connected programming source, column 3, lines 14 – 28). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the GUI functions of the van Ee device with the capability of the Goldstein device to access a remote programming source, which would be understood by one skilled in the art to include the Internet, because configuration information could then be accessed from any site that has access to the Internet, thus increasing flexibility of use and providing a convenient means to easily maintain the most up to date information as taught by Goldstein in accessing remote locations.

**In regard to claim 3**, incorporating the rejection of claim 1:

*“...extracting a device control profile from a plurality of device control profiles.”*

Control profiles (macros) are extracted from a plurality of profiles (column 2, lines 21 – 41).

**In regard to claim 4**, incorporating the rejection of claim 1:

*“...extracting a device control profile in dependence upon at least one of: a location parameter, a time parameter, and a user profile.”* A device control profile (macro) is extracted

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depending upon a selection from an appliance inventory (column 1, lines 42 – 45) with dependence on a delay parameter (column 3, lines 8 – 15 and lines 65 – 66).

**In regard to claim 5**, incorporating the rejection of claim 1:

*“...communicating appliance control commands to the control device to facilitate the user control of the appliance.”* van Ee discloses the ability to communicate appliance control commands (program the remote device macros) to facilitate the user-control of the appliance (column 2, lines 25 – 41; line 65 to column 3, line 15).

**In regard to claim 6**, incorporating the rejection of claim 1:

*“...further including enabling an editing of the code.”* van Ee discloses that the code can be edited (column 2, lines 21 – 25).

**In regard to claim 7**, incorporating the rejection of claim 1:

*“...providing a sequence of selection options that lead to the determination of the at least one appliance.”* Figure 3 shows the sequence of selection options that lead to the determination of at least one appliance.

7. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Ee et al., U.S. Patent 6,208,341 (hereinafter referred to as van Ee) in view of Croÿ et al., U.S. Patent 6,476,825 (hereinafter referred to as Croÿ).

**In regard to claim 1:**

*“enabling a determination of at least one appliance...”* van Ee discloses various appliances controllable by the device (column 2, lines 55 – 63; e.g., Figure 3).

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*“determining code for graphically representing a controllable feature...”* The proper codes are determined to control the desired device as depicted on the GUI (column 2, lines 21 – 25; 61 – 67; e.g., Figure 3).

*“communicating the code to the control device...”* The proper codes are sent to control the desired device (column 2, lines 21 – 25; 61 – 67).

*“...accessing an Internet site in dependence upon the determination of the at least one appliance.”* van Ee discloses a control device that comprises a graphics user interface, but does not disclose accessing the Internet in determination of at least one device. However, Croÿ discloses a control device that comprises a graphical user interface that accesses the Internet (a remotely connected programming source, column 2, lines 26 – 40; and column 27, line 53 to column 28, line 20). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the GUI functions of the van Ee device with the capability of the Croÿ device to access a remote programming source over the Internet, because configuration information could then be accessed from any site that has access to the Internet, thus increasing flexibility of use and providing a convenient means to easily maintain the most up to date information as and having the ability to have a user profile travel taught by Croÿ at column 28, lines 17 – 20).

**In regard to claim 3**, incorporating the rejection of claim 1:

*“...extracting a device control profile from a plurality of device control profiles.”*

Control profiles (macros) are extracted from a plurality of profiles (column 2, lines 21 – 41).

**In regard to claim 4**, incorporating the rejection of claim 1:

*“...extracting a device control profile in dependence upon at least one of: a location parameter, a time parameter, and a user profile.”* A device control profile (macro) is extracted depending upon a selection from an appliance inventory (column 1, lines 42 – 45) with dependence on a delay parameter (column 3, lines 8 – 15 and lines 65 – 66).

**In regard to claim 5**, incorporating the rejection of claim 1:

*“...communicating appliance control commands to the control device to facilitate the user control of the appliance.”* van Ee discloses the ability to communicate appliance control commands (program the remote device macros) to facilitate the user-control of the appliance (column 2, lines 25 – 41; line 65 to column 3, line 15).

**In regard to claim 6**, incorporating the rejection of claim 1:

*“...further including enabling an editing of the code.”* van Ee discloses that the code can be edited (column 2, lines 21 – 25).

**In regard to claim 7**, incorporating the rejection of claim 1:

*“...providing a sequence of selection options that lead to the determination of the at least one appliance.”* Figure 3 shows the sequence of selection options that lead to the determination of at least one appliance.

### ***Response to Arguments***

8. Applicant's arguments filed on December 15, 2003 have been fully considered but they are not persuasive.



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**The Applicant has argued in regard to claim 1:**

"The incorporation of the limitations of Claim 2 into independent Claim 1 renders the 102(e) rejection of Claim 1 based on van Ee moot. With regard to the rejection of Claim 2 based on van Ee and Goldstein, the Action acknowledges (page 6) that van Ee 'does not disclose accessing the Internet in determination of at least one device', but takes the position that 'Goldstein discloses a control device that comprises a graphical user interface that accesses the Internet (a remotely connected programming source, column 3, lines 14-28)'.

Applicants respectfully submit that the amended language of Claim 1 distinguishes over any permissible combination of the teachings of van Ee and Goldstein- In particular, Applicants submit that Goldstein fails to provide the requisite teachings acknowledged to be missing in van Ee."

**Examiner's response:**

The rejection of claim 1 is maintained because Goldstein provides the remote access that van Ee lacks, however, the Applicant's argument is moot in view of the additional new grounds of rejection in light of Croÿ.

**The Applicant has argued in regard to claim 11:**

"Independent Claim 11 is directed to a control device including a programmable user interface and a receiver that receives user interface code from an Internet site. Programming of the programmable user interface is facilitated by the user interface code.

"For at least the same reasons as those set out above with respect to independent Claim 1, independent Claim 11, as filed, is believed patentable over Goldstein. Specifically, Goldstein fails to teach or suggest receiving interface code from an Internet site and that programming of a programmable user interface is, facilitated by the user interface code, received from an Internet site.

"However, in order to advance prosecution and to eliminate tiny issue, independent Claim 11 has been amended herein to recite a control device 'for remotely controlling one or more electronic devices', and also to recite that the 'user interface code is received in dependence upon at least one of: a location parameter, a time parameter, and a user profile'."

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**Examiner's response:**

The Applicant's argument is moot in view of the Croÿ reference cited in claim 11 above.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046. The examiner can normally be reached on M-F 08:00-16:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lawrence Shrader  
Examiner  
Art Unit 2124

February 17, 2004



TODD INGBERG  
PRIMARY EXAMINER